

👉 **09hr\_ab0326\_AC-CJ\_pt01**



Details:

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

**2009-10**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on ... Criminal Justice  
(AC-CJ)**

### **COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### **INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                      (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Record of Committee Proceedings

## Committee on Criminal Justice

# Assembly Bill 326

Relating to: committing fraud on certain service providers and providing a penalty.

By Representatives Zipperer, Montgomery, J. Ott, Petersen, Gundrum, Brooks, Townsend, Lothian, Van Roy, Petrowski, Vos, Nerison, Mursau, Spanbauer, Strachota, Bies and Gunderson; cosponsored by Senators Carpenter, Lazich, Kanavas, Holperin, Plale, Schultz, Hansen, Olsen, Darling and Lassa.

June 19, 2009                  Referred to Committee on Criminal Justice.

February 4, 2010      **PUBLIC HEARING HELD**

Present: (10) Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Friske, Kramer, Brooks, Ripp.

Absent: (1) Representative Kessler.

Appearances For

- Rich Zipperer — State Representative, 98th Assembly District
- Dean Collins, Brookfield — Assistant Chief, Brookfield Police Department

### Appearances Against

- None.

### Appearances for Information Only

- None.

## Registrations For

- Jeff Plale — Senator, 7th Senate District
- Tim Carpenter — Senator, 3rd Senate District
- Brad Schimel, Waukesha — District Attorney, Waukesha County
- Kathy Kilgore — WI Innkeepers Association

## Registrations Against


- None.

### Registrations for Information Only

- None.

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.

  
\_\_\_\_\_  
Nancy McAdams  
Committee Clerk





STATE REPRESENTATIVE

**RICH ZIPPERER**

Date ?

## **AB326- Theft of Services**

### **What it Does**

Under current law, it is unlawful to obtain lodging, food, gasoline, taxicab services, or admission to an entertainment venue and intentionally refusing or failing to pay the bill. This bill expands the prohibition to fraudulently obtaining any service from a merchant who generally provides a service to customers without a contract, such as spa service, hairdressers, and many other small businesses.

This bill came about because of a case in southeast Wisconsin, dubbed in the local news as "the spa bandit", in which an Illinois man received hundreds of dollars worth of spa services at a Brookfield spa and left without paying the bill. He was later caught in Illinois for similar crimes and prosecuted under Illinois' Theft of Service Statute, something that is lacking in Wisconsin's law.

Penalties under the bill are the same as the current penalties for committing fraud on the above mentioned industries.

- Service value \$2,500 or less, Class A misdemeanor (up to \$10,000 fine)
- Service value over \$2,500, Class I felony (up to \$10,000 fine, up to 3 years and 6 months imprisonment, or both)

### **AB326 History**

AB 326 is identical to amended 2007 AB 503, which was amended on the floor through a bipartisan effort of Reps. Zipperer and Staskunas. It was then approved on a voice vote in the Assembly, and unanimously (5-0) by the Senate Committee on Judiciary, Corrections and Housing before running out of time for the session.

### **Supporters of 2007 AB 503 and 2009 AB 326 Include:**

- Waukesha District Attorney Brad Schimel
- Brookfield Assistant Chief of Police Dean Collins
- Milwaukee Police Association
- Wisconsin District Attorney's Association
- Wisconsin Manufacturing and Commerce
- Wisconsin Independent Businesses Inc.
- Wisconsin Sheriff's and Deputy Sheriff's Association
- Wisconsin Innkeepers Association